




March 2, 2021

VIA PACER ONLY

Vernon S. Broderick, United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 518
New York, NY 10007

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 3/4/2021

The parties are directed to meet and confer and submit
a joint letter with a proposed briefing schedule by
March 12, 2021.

RE: Rashawn Maurice Spencer (V) John Chung
Case No.: 120-cv-599(VSB)
Our File No.: D13179

Dear Judge Broderick:

I represent the defendant John Chung (defendant) in the above-referenced matter.

Defendant wishes to move for dismissal based on summary judgment pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. It is respectfully requested that the defendant be granted permission to make a motion for summary judgment on the grounds that the plaintiff has failed to state a cause of action pursuant to New York State Insurance Law § 5102(d). Defendant's request for permission to move for summary judgment is based upon the reports of the defendant's orthopedic and radiological expert. (A copy of the reports are attached hereto).

Respectfully submitted,

/s/
Louis T. Cornacchia III, Esq.

Case Name
Claim Number
Our File Number

cc: *VIA ELECTRONIC MAIL & PACER*

The Lavelle Firm
152 Forest Avenue
Locust Valley, New York 11560
Tel: 516-739-8111

Attention:

Emily Lavelle
dlavellelawfirm@yahoo.com